

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

SECURITIES AND EXCHANGE
COMMISSION,

Plaintiff

V.

ROGER KNOX, WINTERCAP, SA,
MICHAEL T. GASTAUER, WB12
US INC., SILVERTON SA INC.,
WINTERCAP SA INC. AND B2 CAP
INC.

Defendants,

RAIMUND GASTAUER, SIMONE
GASTAUER FOEHR, AND B21 LTD.,

Relief Defendants

Civil Action No. 18-CV-12058-RGS

MOTION FOR LEAVE TO WITHDRAW AS COUNSEL

Undersigned counsel Philip G. Cormier and Syrie D. Fried respectfully move this Court for leave to withdraw as counsel for the defendant Roger Knox in the above-captioned case. In addition to being sued in this civil case, Mr. Knox was also charged and has been detained pursuant to a criminal complaint alleging violations of the federal securities laws. The complaint, dated September 27, 2018, was unsealed on October 3, 2018. On that same day, undersigned counsel appeared with Mr. Knox at his initial appearance, with the expectation that they would be compensated for their services and expenses. Counsel subsequently learned on October 5, 2018, that the temporary restraining order [“TRO”][Doc. No. 9] had issued in this case. To protect Mr. Knox’s Fifth and Sixth Amendment rights at this early stage of the criminal case,

counsel entered their appearances in this case and filed the motion seeking a modification of the TRO [Doc. 25] to allow funds deposited in counsel's IOLTA account to pay for Mr. Knox's representation in the criminal case. Yesterday, the Court denied, without prejudice, the motion to modify the TRO.

The denial of the motion to modify the TRO renders Mr. Knox unable to pay for counsel's services. Continuing the representation of Mr. Knox in this case would result in an unreasonable financial burden on counsel and their firm. Counsel have notified Mr. Knox and conferred with him about this motion.¹

In light of the foregoing, the Court should grant counsel leave to withdraw.

DATED: October 18, 2018

Respectfully submitted,

/s/ Philip G. Cormier
Philip G. Cormier
BBO #554515
pc@gscfboston.com

/s/ Syrie D. Fried
Syrie D. Fried
BBO #555815
sf@gscfboston.com

Good Schneider Cormier & Fried
83 Atlantic Avenue
Boston, MA 02110
Tel. (617) 523-5933
Fax. (617) 523-7554

¹ For the same reasons, counsel have also moved for leave to withdraw as counsel in the criminal case.

CERTIFICATE OF SERVICE

I, Philip G. Cormier, do hereby certify that the above document was filed electronically via this Court's electronic case filing system ("ECF"), and will be served electronically upon the parties identified in the Notice of Electronic Filing ("NEF") this 18th day of October, 2018.

/s/ Philip G. Cormier
Philip G. Cormier